Previous references.

1894.
(Sep. Rev)

File No. 3 9
Serial Nos. 1 - 4

Later references.
S.R. 40 of 94.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 4

Mayor ~~Part B.~~ for March 1895

SUBJECT

Remission in favor of Herur Subbiah Toddy Vend Farmer.

Sl 1. From The Ex Commr.
(Dy $\frac{212}{R55}$) No $\frac{84}{5}$ dt. 6-7-94
Forwards copy of correspondence from the Dy Commr Tumkur regarding the arrears of Toddy Rent due by Herur Subbiah, with certain observations.

G. R. S. 58

GPB—4,000—4-7-11

Sl 2. To The Ex Commr.

No 5437/R806 dt. 19-9-94

Requests to submit a remission statement with certain observations.

Sl 3. From The Ex Commr

Dy 4646/R.1280. No. 1627/164. 4-10 94

Submits a remission statement for Rs. 228-4-4 due by defaulting Toddy Vend Farmer Subbiah.

Sl 4 To The Ex Commr.
The Comptroller
No 13547-8/R.1967. 2-3-95

Sanctions remission for Rs 228-4-4 in favor of Hereur Subbiah. Toddy Vend Farmer and states that when Toddy Trees are sold all the trees therein are not assigned to the Farmers.

T. V. Ramaswamy Iyengar.

SECTION C. R.

FILE No. 29 of 94

SERIAL No. 6

Submitted.

Sir

The papers give no history of the case This should always be done briefly taking all the stages in which action was taken & the main points bearing on the case from start to finish.

2. There is no express provision in the Rules or Sale notice to cover ~~enter~~ rescinding Its omission cuts both ways But it is clear the Town was taken for a stipulated period — 12 months - Under Rule VII Condition 6. cl 3 (Page 4) & "Sale notice" para 7, cl: 3, it is laid down that "failing "payment of each monthly "instalment by the 15th of the next month, together with

local Cts, the Dyconer shall "recover the same from the "Licensee" The Dyconer should therefore have simply informed the Farmer that his resig - nation could not be accepted as the Farm was taken for a year & he must work it for that period, or the ~~above~~ Rules above quoted would be enforced.

3. Failure on the part of the defaulter should be promptly dealt with. Too much time ~~is~~ now is lost at the outset & the practical advantage of the 3 months deposit is lost by allowing valuable time to slide by and that sum taken to cover defaults - In the present case, 22 days' Rent has thus gone If a little more energy had been ~~were~~ used, the balance would

have been in favour & not
against Govt -

4 In the present case,
I would suggest that the
Dy Comrs being directed to
send for the defaulter,
point out his remissness to
him, & the glaring attempt
he has made to defraud
Govt, to patent to exempt
and give him clearly to
understand that if he does
not forthwith pay up the
sum due, with interest at
6 P.C Land Rev. Rule No 38.
will be enforced, and to
act accordingly & report
result

5 If the Rule has in-
-evitably to be enforced, it
would be as well to notify
the fact in the Govt Gazette
and proclaim the defaulter
to serve as a deterrent -
In fact, all defaulters
should be proclaimed and

interdicted from bidding
at any sales of Govt under
any head of Rev: generally by having their names
posted up -
The present instances appear
to me a good case to enforce
the said Rule -
Orders are solicited

20/7/94

Sub Insp Genl

Sub Inspector General

21/7/94

Reply that in the
opinion of this Office this
is not a fit case for
~~the exercise of the~~
a resort to the provisions
of Sec 63 of the Act Made -
Mr Russell is therefore
requested to submit a
Memorial for
Remission of the Fine
Sanction - with a full
report of the circumstances
upon which the Remission was given
and accepted by the Party -
The present Rules do not
provide for such Remissions -
cases

Mr Russell is requested
to signify whether he
intends to submit
his proposals for
dealing with such
in the future

Sub Insp Genl

22/7/94

Drafted
Sent
19/9/94

Gen. Serial No. 30.]

1

1894 212-

9 JUL. 94

From The Excise Commissioner in Mysore

To *The Chief Secretary to the Dewan of Mysore.*

Rec'd into Secretariat 19/7/94 S. R.

SECTION S. R.

FILE NO. 39 of 94-5

SERIAL NO. 1

Dated 7th July 1894

Despatched 7th

Received

Enclosures No. one

General No. 84

No. 5

~~*In reply to*~~

SUBJECT.

Forwards Copy of Correspondence between the Deputy Commissioner, Tumkur District and this office regarding the arrears of Toddy Revenue due by Nerur Soobbiah, and requests sanction to the issue of a warrant of arrest and imprisonment against the defaulter.

Rec'd 9.7.94. KL 13/5

References (to be entered only in the Dewan's Office.)

No. 84/5 (En 1)

Excise Commissioner's office
Bangalore, 6th July 1894

From

The Excise Commissioner,
in Mysore.

To

The Chief Secretary to the Dewan,
of Mysore.

Sir,

In forwarding herewith, copy of the marginally noted correspondence regarding the sum of Rupees 228-4-4 due by Hervr Soobiah, a late Toddy Vend Farmer in the Gubbi taluk, I have the honor to state that the Hervr family in the Kunigal taluk is known to possess valuable property. I have been privately informed that all the property said to have been transferred by Hervr Soobiah to his cousin Lakshami-

1. Docket No. 1296, dated 6th March 1894, from Deputy Commissioner Tumkur.
2. — Do No. 3352/83, dated 8th March 1894, to — do —
3. — Do — No. 1870, dated 13/15th June 1894, from — do —
4. — Do — No. 4112/95, dated 18th June 1894 to — do —
5. — Do — No. 1913, dated 20th June 1894, from — do —
6. — Do No. 4166/116, dated 23rd June 1894 to — do —
7. — Do — No. 8, dated 3rd July 1894 from — do —

— ramamish

Lakshamiramaniah, is still in the enjoyment of Soobiah. The Deputy Commissioner says that "every attempt was "made to sell the property referred to, but it "was found that the defaulter had transferred it to others with the view of saving "it from attachment." I have reason to believe that the defaulter is quite capable of paying the amount, but that he is wilfully withholding payment. I therefore beg to solicit that the Sanction of Government may be accorded under Rule XXXVIII, 1 of the Rules under the Land Revenue Code for the arrest and imprisonment of the defaulter. This will be a lesson to others who are similarly disposed to defraud Government.

Portuf

I have the honor to be,
Sir,
Your most obedient Servant,

S Ricketts
Excise Commissioner
in Mysore

In. C.

1894

Enclosure to
sl 1.

From

The Deputy Commissioner
Tumkur District

To

The Excise Commissioner
in Mysore.

Dated Tumkur 6/7th march 1894.

Mis: No 1296.

Enclosures - One file & one Statement

Has the honor to forward herewith a Statement showing the amounts of Toddy rentals recommended to be remitted in the Gubbi Taluk for the reasons Stated in the remarks column of the Statement.

2. The vernacular record of the case is enclosed.

/Signed/ B. K. Venkataravaradiengar
Deputy Commissioner

From

From

The Excise Commissioner
in Mysore.

To

The Deputy Commissioner
Tumkur District.

Dated 8th March 1894.
9

No. 3352
83

Enclosure. 1 and 1 file

The Deputy Commissioner's No. 1296,
dated 6th instant.
7

In reply has the honor to observe that the conditions of the grant of Toddy Vend Farms do not permit resignations from the Farmers, and that defaulter Subbiah's resignation was therefore inadmissible. Under para 7 of Rule V in Government Notification No. 11813, dated 14th
R.J. 233-92
January 1893, the defaulter is bound to pay all losses to Government, and accordingly the amount

should

Should be recovered from him.

2. The Remission Statement is herewith returned, together with the vernacular papers.

/Signed/ L Ricketts
Excise Commissioner

1894

From

The Deputy Commissioner
Tumkur District

To

The Excise Commissioner
in Mysore

Dated 13th/15 June 1894.
Mis: No. 1870.
Enc: 1

His docket. No. 3352 of the 8th March 1894 returning the remission statement sent with this office docket No. 1296/83. of the 6th idem, for a Sum of Rs 228-4-4 due for the year 1892-93 from Herur Subiah a toddy farmer in the Gubbi Taluk

Taluk on the ground that the reasons Stated for the remission were not admissible according to the Soddy Rules.

Has the honor to State that every possible endeavour was made to recover the arrear in question but in vain. There is no property belonging to the defaulter. Therefore the arrear has to be remitted. Remission Statement is therefore forwarded for early Sanction

Signed / B.K. Venkatavaradiengar
Deputy Commissioner

From.
The Excise Commissioner
in Mysore.

To
The Deputy Commissioner
Tumkur District

Dated 18th June 1894.

No 4112/95

The Deputy Commissioner's No. 1870, dated 13/15th instant.

In

In reply has the honor to state that the defaulter Hemr Subbiah is said to possess property at Heroor in the Kunigal taluk. Requests that the defaulter's share of the property which he is said to own there, may be ordered to be attached and sold for the arrears due by him.

2. Begs to be informed why the Farm was not resold immediately after the first months Kist fell into arrears.

/Signed/ L. Ricketts
Excise Commissioner

1894

From

The Deputy Commissioner
Tumkur District.

To

The Excise Commissioner
in Mysore.

Dated Tumkur 20th/20 June 1894.

Mis

Mis: No 11 1913.

His docket No 4112/95 of the 18th June 1894 stating that the property of Subbiah Toddy Vend Farmer of Dindinasivard and other Shops in the Gubbi Taluk which he is said to possess at Herur in the Kunigal Taluk may be attached and sold for the arrears due from him, and requesting to be informed why the farm was not resold immediately after the amount due from him fell into arrears.

Has the honor to state that every attempt was made to sell the property referred to, but it was found that the defaulter had transferred it to others with the view of saving it from attachment. All that can now be done is to issue a warrant of imprisonment under Section 163 of the Revenue Code, but as per clause 1 of Section

1894.

12

From. Enclosure to
The Deputy Commissioner
Tumkur District

To

The Excise Commissioner
in Mysore.

Dated Tumkur 3rd July 1894.

Enclosure one

Mis: No. 8.

His docket No. 4466 of the 23rd June 1894 requesting to be furnished with a Statement shewing the details of the property transferred by toddy defaulter Herur Subbiah

---

Has the honor to forward herewith a list of the property transferred by the said Subbiah. The transfer was made on the 5th February 1894 to one Lakshmiramaniah a maternal Cousin

Cie

(i.e mother's Sister's Son) of Subbiah.
There is no tangible evidence to prove that the transfer was effected with fraudulent motives. But the fact of the transfer having been made at a time when the question of the defaulter's liability to pay the Sum of Rs 228-4-4. under reference was pending Settlement and the close relationship of the parties to the transaction go to shew that the alienation was with a view to defraud government.

2. The defaulter had furnished no Surety, but had deposited money. It was taken to-wards the arrears due from him, and the balance recovered from him. In fact the whole of the amount due from him from the beginning of his contract (viz the 1st April 1892) to the date of his resignation of his farm (viz: the 24th June 1892) was recovered and the balance still due viz Rs. 228-4-4 is for the period of 22 days during which the farm remained unworked till it was given over to others.

/Signed/ B. K. Venkataravaniengar.
Deputy Commissioner,
Tumkur District

"Copy"
L Ricketts
Excise Commissioner
in Mysore

SECTION S D

FILE NO. 390496

SERIAL NO. 7

Govt Prop

No: 5437/R806 dt 19/9/94.

(3)

Read:—
letter from the Excise Commissioner in Mysore No: 84/5 dy 6th July 1894, submitting copies of Correspondence between himself and the Deputy Commissioner of Tumkur regarding the sum of Rs 228-4-4 due by one Hiriur Subbiah, a late Toddy Vend Farmer in the Gubbi Taluk who neglected his farm and requesting Sanction under para 1 Rule XXXVIII of the Rules under the Land Revenue Code for the arrest and imprisonment of the defaulter as he is wilfully evading payment through spite capable of paying the amount.

Order No: 5437/R806 dy 19-9-94/24

In the opinion of Government the

Gen. Serial No. 30

1894 4646
R1280

From

The Excise Commissioner
in Mysore.

To

SECTION S. R

The Chief Secretary to the
Dewan of Mysore.

FILE NO. 30 [illegible]

SERIAL NO. 3

Dated 4th
Despatched 5th } October 1894
Received

Enclosures No. 2

General No. 1627
No. 164

In reply to Government Proceedings
No 5437 / R806, dated 19th September 1894.

SUBJECT.

Forwards copy of communication from the Deputy Commissioner, Tumkur District, together with a Remission Statement for Rs 228-4-4 due by defaulting Toddy Vend Farmer Honne Subbiah, Gubbi Taluk, and requests that the amount may be ordered to be written off the accounts.

[signature]

References (to be entered only in the Dewan's Office.)

G. Clerk draws up Draft Reply as follows

1- Sanctioned under the explanation afforded but Govt would point out that the formal sanction of Govt ought to have been awaited ere the auction was struck off the auctr as irregularable.

2 By the Dy. Comr & the Dy. Comrs have not replied to the queries put in para 2 of the Proc. to which their attention is again invited.

3. When crops are sold all the trees thereon are not bodily appropriated to the farmer concerned but only so many as may suffice to meet the legitimate wants of the shops interested. The Dy. Comr should therefore have at once appointed such surplus trees in the nearest Venus or Vanas to meet the short complement evidently appointed on the 1st instance to the defaulting farmer. Govt would thus have been saved the loss of Rs 228/4/4 and saved all the trouble & bother that has been entailed by not adopting this simple course - As a matter of fact the pre-sale enquiry shows that such surplus trees did exist in the farm ready to the hand & only waiting to be utilised to meet any further loss to Govt thereafter.

4. The attention of Dy. Comr is invited to the above observations with a request that early steps may be taken by them to provide adequate no of trees being allotted to meet the actual wants of the Shop or Shops which may be in a farm & the surplus reserved to meet accidental causes of the Stamp or Distillery or a portion of trees during the ensuing

coming year & years, for the many great matters,
especially is the wants of agriculturists & other
special wants appertaining to the well being
of the U. S. from this source!

~~D. Lloyd~~
S. H. J.
26/10/94

C. Ley.

No. 1627/164 (Enc 2)

Excise Commissioner's Office
Bangalore, 4th October 1894.

From

The Excise Commissioner
in Mysore.

To

The Chief Secretary to the Dewan
of Mysore.

Sir,

In reply to Government Proceedings No. 5437/R806, dated 19/24th September 1894, I have the honor to forward, herewith copy of docket No. 606, dated 1st/2nd instant, from the Deputy Commissioner, Tumkur District, together with a Remission Statement for Rs 228-4-4 due by defaulting Toddy Vend Farmer Hemur Subbiah of the Gubbi taluk, for 1892-93, and to state that when Subbiah neglected to do his business, the Deputy Commissioner seems to have dealt with him, under para 7 of Rule V in Government Notification

Notification No. 1813/R.F.233-92, dated 14th January 1893. I beg that formal sanction may be accorded to the amount of Rs 228-4-4 being written off the accounts.

I have the honor to be,

Sir,

Your most obedient Servant

L Bluett

Excise Commissioner

in Mysore

N.S.

1894

Enclosure 1 to 8.

From.

Deputy Commissioner
Tumkur District

To

Excise Commissioner
in Mysore.

Dated Tumkur 1st/2nd October 1894

Mis: No. 606

His official Memorandum No. 1505/50 of the 25th ultimo about the remission of Rs. 228-4-4 due from Heroor Subbiah to the Gubbi Taluk on account of Toddy Contract for 1892-93.

Has the honor to State that a remission Statement for the amount referred to, containing the full particulars of the circumstances under which

the

the farm was resigned, has
been forwarded with this office
docket do " 1870 of the 12th June
1894.

2. The resignation was not
formally accepted, but the
defaulter ceased to work the farm
from the 24th June 1892 for
want of sufficient Saddigroves.
It was then not possible to assign
fresh Vanams to him as they
had all been distributed among
the other farmers. The farm
was ultimately sold to others
for the same monthly rent
of Rupees 318-12-0 on the 16th
July 1892. The farm, therefore,
remained unworked during
the interval viz for 22 days
from the 25th June 1892 to the
16th July 1892. The amount to be
remitted is the Kist for this
period.

3. As the Government have opined that the amount should be remitted and called for a remission Statement, the amount has, in anticipation of formal sanction been written off the accounts, as a remission Statement has as above stated been already sent

/Signed/ B. K. Venkatavaradiengar
Deputy Commissioner

"Copy"

S Mukerji
Excise Commissioner
in Mysore

M. S.

Enclosure in
Statement showing the Accounts
S/P 3.
in the Tinnevelly District for the year 18

Name of Farm or Shop	Name of the defaulters	Amount of the original Kist per annum	Amount of the Kist at the resale	Date of resale	Loss by resale up to the end of the Year		Arrears due prior to the date of the resale		Total Amount to be recovered from the defaulters	
Dandinaicara Aeroor and 7 other Shops in the Gudalur Taluq	Gudalur	318 12 u	318 12 u	16/7/92	228	4 4	1120	12 4	1120	12 4

Amount of Kist for 22 days from 25th June 1892 to 16th July 1892 when the farm remained unworked

June 1892 when, finding that the proves disqui
in the adjacent talukes. But as they had all been a
his request he then resigned his farm on the 24th
by others on the 16th July 1892 for the same amou
April 1892 to the 16th July 1892, i.e, up to the date
due from the defaulter up to the time of his re
from him. The balance of rupees 228-4-4 is the
June 1892 to the 16th July 1892 when the farm re
was made to recover it, but in vain. There i
is therefore recommended to be written off the

Tinnevelly
Dated 13 June
1894.

Toddy rentals recommended for remission
2-93.—

Sale proceeds of Rs 892-8-0 credited towards arrears — Balance recommended for remission

Remarks

892-8-0 228-4-4 The defaulter Subiah took up this farm for a monthly rent of Rupees 318-12-0 at the sales held by the Special Officers in April 1892. From the beginning of the Contract he failed to pay up the monthly kists regularly on the ground that the proves assigned to his farm were not sufficient to meet the requirements of his Shops. He however worked his farm from 1st April 1892 up to the 24th to him were nearly exhausted, he wanted some more assigned to others, it was not possible to comply with June 1892. It was, however, ultimately taken up t. The amount due to Government from the 1st of resale is rupees 1120-12-4. Of that Rupees 892-8-0 signation i.e, the 25th June 1892 has been recovered amount for the period of 22 days from the 25th mained Unrecovered. Every possible endeavour no property belonging to the defaulter. The amount accounts.—

Deputy Commissioner.

SECTION S. R.

FILE NO. 39 of 64

SERIAL NO. 4

Read :-

Docket no. 1627/164 dated 4th October/64 from the Excise Commr in Mysore forwarding copy of communication from the ~~Collector~~ Dy Commr Tumkur &c, Dy Commr, together with a remission statement for Rs 228-4-4 due by defaulting Toddy vend Farmer Hosur Subbiah, Gubbi ~~Taluq~~, and requesting that the amount may be ordered to be written off the accounts.

Order No 13547-8/R 1967-
Dated 2nd ~~October~~ March 1965.

The remission recommended is sanctioned under the explanation afforded, but Govt. would point out that their formal sanction ~~of Govt~~ ought before the amount to have been awaited ~~and the amount~~ could be written was struck off the accounts ~~as irrecoverable~~.

2. ~~Both the Dy Commr~~ and Excise Supt. is ~~have not~~ also requested to explain ~~Reduced~~ to the query put in para 2 of the proc. ~~to which their attention~~ is ~~again invited~~ above.

3 When groves are ~~all~~ sold all the trees therein are not ~~bodily~~

Rs 13547-8/R 1967 dt 2.3.65

assigned to the Farmer, or Farmers
Concerned, but only so many as
may suffice to meet the legitimate
wants of the shops ~~in which~~ ~~the~~
The Dy Commr should therefore have,
at once assigned such surplus
trees, in the nearest Vana or Vanams,
to meet the requirements
~~of the defaulting Vend-farmer~~ ~~assigned to the~~ last instance to the
~~to the defaulting farmer~~. Govt would
thus have been saved the loss of
Rs 228-4-4, and ~~saved~~ all the trouble
and botheration that has been entailed
by not adopting this simple ~~surise~~
As a matter of fact the records con-
clusively show that such surplus
trees did exist, as the farmer realized
the same monthly Kist without any
further loss to Govt thereafter.-
4 The attention of ~~the~~ all Dy Commrs
is invited to the above observations
with a request that early steps
may be taken by them to so divide
the existing areas as to enable only
an adequate no of trees being allotted
to meet the actual wants of the shop
or shops, ~~which~~ make up a farm &
the surplus reserved to meet

raised to Govt. from
the loss sustained.
1/3/25 2/3/25

To
The Excise Comr in Mysore
The Comptroller in Mysore

exceptional cases of the stamps indicated, for a rotation of trees during the ensuing year, or years, for the use of mat makers, rope makers, or ~~the words~~ of agriculturists & other essential ends ~~points~~ appertaining to the well-being of the Excise Revenue from this parcel.

Chief Secretary

20/11/94

S. R-J.
26/10/94